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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * * * *

CHRISTIAN O'DELL,

Plaintiff,

v.

ALBERTSON'S LLC, a Foreign Limited-
Liability Company, d/b/a ALBERTSONS;
SUPERIOR ELECTRICAL MECHANICAL
& PLUMBING, INC., and PREFERRED
ELECTRIC LLC; a Foreign Corporation; DOE
EMPLOYEE, a Nevada Resident; DOE
STORE MANAGER, a Nevada Resident; ROE
MAINTENANCE COMPANY, a Nevada
Corporation; ROE CONSTRUCTION
COMPANY; DOES III through X; and ROE
CORPORATIONS III through X, inclusive,

Defendants.

CASE NO.: 2:21-cv-00998-RFB-BBW

**STIPULATION AND ORDER TO
EXTEND DISCOVERY PLAN AND
SCHEDULING ORDER (FOURTH
REQUEST)**

Plaintiff, CHRISTIAN O'DELL ("O'DELL"), by and through her attorneys, BOYD B.
MOSS III, ESQ. and JOHN C. FUNK, ESQ. of MOSS BERG INJURY LAWYERS; Defendants,
ALBERTSONS, LLC ("ALBERTSONS") and SUPERIOR ELECTRICAL MECHANICAL &

1 PLUMBING, INC. (“SUPERIOR”), by and through its attorneys, ERIC O. FREEMAN, ESQ. of
2 SELMAN BREITMAN LLP; Defendant, PREFERRED ELECTRIC, LLC (“PREFERRED”), by
3 and through its attorneys, CRAIG D. SLATER, of LUH & ASSOCIATES,, hereby stipulate and
4 agree that the discovery scheduled be extended pursuant to LR 26-4.
5

6 **I. Discovery Conducted to Date (LR 26-4(a)):**

7 ALBERTSONS, O’DELL, and PPREFERRED have submitted their initial FRCP 26.1
8 disclosures and multiple supplements thereto. ALBERTSONS and O’DELL have served written
9 discovery requests. ALBERTSONS and O’DELL have served responses to written discovery.
10 O’DELL has provided ALBERTSONS with requested authorizations allowing ALBERTSONS the
11 ability to secure O’DELL’s medical records in this personal injury action. ALBERTSONS has taken
12 O’DELL’s deposition. O’DELL has taken the deposition of ALBERTSONS’ NRCP 30(b)(6)
13 designee and store employee employee witnesses.
14

15 **II. Discovery to be Conducted (LR 26-4(b)):**

16
17 1. Propound written discovery;
18 2. Deposition of SUPERIOR’s and PREFERRED NRCP 30(b)(6) designee and employee
19 witnesses;
20 3. Obtain O’DELL’s remaining medical records;
21 4. Retain experts;
22 5. Percipient witness depositions;
23 6. Expert designations and depositions;
24 7. Medical provider depositions;
25 8. Parties may seek to take additional depositions of witnesses and engage in additional
26 discovery as necessary.
27
28

III. The Reasons the Remaining Discovery Cannot Be Completed within the Time Limits Set by the Discovery Plan (LR 26-4(c)):

On February 7, 2022, Third-Party Defendant SUPERIOR substituted and took over the defense of Defendant, ALBERTSONS. On March 1, 2022, the parties stipulated and agreed to allow Plaintiff to Amend her complaint to add SUPERIOR ELECTRICAL MECHANICAL & PLUMBING, INC., and PREFERRED ELECTRIC LLC., as Defendants. On May 4, 2022, Plaintiff Amended her Complaint. On May 12, 2022, Defendant PREFERRED answered Plaintiff's Amended Complaint. On July 14, 2022, PREFERRED substituted and took over the defense of Defendant SUPERIOR. On July 27, 2022 the parties confirmed a mediation with Gene Porter, Esq. of Private Trials to occur on August 23, 2022. A major consideration in the setting of the mediation was the attempt to avoid incurring expert fees and costs.

As PREFERRED only recently appeared in this matter and only recently substituted in place of SUPERIOR, an extension is necessary to allow sufficient time to conduct additional discovery and to allow the parties to mediate this claim.

IV. Proposed Schedule for Completing All Remaining Discovery (LR 26-4(d)):

The current discovery deadlines are as follows:

1. Discovery Cutoff (LR 26-1(b)(1)): October 19, 2022
2. Amendment of Pleadings and Adding Parties (LR 26-1(b)(2)): June 20, 2022
3. Initial Expert Disclosures (LR 26-1(b)(3)): August 18, 2022
4. Rebuttal Expert Disclosures (LR 26-1(b)(3)): September 19, 2022
5. Dispositive Motions (LR 26-1(b)(4)): November 18, 2022
6. Joint Pre-Trial Order (LR 26-1(b)(5), (6)): December 19, 2022

The parties propose extending all discovery deadline by sixty (60) days as follows:

1. Discovery Cutoff (LR 26-1(b)(1)): December 19, 2022
2. Initial Expert Disclosures (LR 26-1(b)(3)): October 18, 2022
4. Rebuttal Expert Disclosures (LR 26-1(b)(3)): November 18, 2022
5. Dispositive Motions (LR 26-1(b)(4)): January 18, 2022
6. Joint Pre-Trial Order (LR 26-1(b)(5), (6)): February 17, 2022.

DATED this _____ day of August, 2022.

MOSS BERG INJURY LAWYERS

/s/ Boyd B. Moss, III

BOYD B. MOSS, III, ESQ.

Nevada Bar No. 8856

JOHN C. FUNK, ESQ.

Nevada Bar No. 9255

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/s/ Craig D. Slater

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Attorneys for Defendant

PREFERRED ELECTRIC, LLC

ORDER

IT IS ORDERED that ECF No. 47 is GRANTED in part and DENIED in part. It is granted in all respects except that the dispositive motions deadline and joint pretrial order deadline shall be January 18, 2023 and February 17, 2023, respectively.

IT IS SO ORDERED

DATED: 1:59 pm, August 11, 2022



BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE